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TAMIL NADU ARCHIVES

GOVERNMENT OF TAMIL NADU

Confidential DEPARTMENT

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Dated	24 - 6 - 1887	198 .

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CONFIDENTIAL.

GOVERNMENT OF MADRAS.

POLITICAL DEPARTMENT.

READ—the following papers :—

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Pirmed, 13th May 1887, No. 78.

By request of Lieut.-Colonel Ketchen, Commanding Nayar Brigade, I have the honor to forward, for orders of Government, the correspondence noted in the margin.

Letter from Lieutenant Wyllie to the Commandant Nayar Brigade with five enclosures marked Series I, II, III, IV, V, with copy of a letter from the Commandant.

Correspondence relating to the admission of women in the military hospital furnished by the Dewan.

2. Colonel Ketchen having applied for sixty days' leave of absence, I forwarded the same in due course to the Dewan of Travancore, but immediately, subsequent to despatch of my letter, I received intimation that Lieutenant Wyllie of the Nayar Brigade had illegally placed in arrest an Apothecary of the Travancore Medical Department, and that an inquiry was being made into the matter. I consequently wrote demi-officially to the Dewan and to Colonel Ketchen to the effect that I thought it would not be advisable that Colonel Ketchen should go on leave until at least this matter was finally settled.

3. In my demi-official letters I stated that, owing to Lieutenant Wyllie's conduct in regard to certain newspaper correspondence and in regard to transactions connected with the military hospital, the Sirkar would probably be unwilling that Colonel Ketchen should go on leave until at least this last charge had been investigated, and that, should indiscretion be shown on Lieutenant Wyllie's part in this last affair, they might not desire Lieutenant Wyllie to officiate as Commandant. Lieutenant Wyllie complains of my conduct.

4. I think it is perhaps best that I should enter into the pending charge against Lieutenant Wyllie first of all, though I do not quite see how Government can, at this stage, interfere in the matter, as no application is before them (or has reached me) regarding permission to prosecute Lieutenant Wyllie for the alleged illegal arrest of Assistant Apothecary Charles Vieyra.

5. This Apothecary was detailed from the Civil Medical Establishment to do duty with a detachment of the Nayar Brigade. On the 23rd March 1887 his return to Trivandrum (on the 21st idem) was reported by the Surgeon of the Nayar Brigade to the Commandant.

On the 24th his arrival was reported by the Commandant to the Dewan.

On the 28th the Dewan placed his services at the disposal of the head of the Civil Medical Department.

6. On the 29th March, at the request of Surgeon Keess, Lieutenant Wyllie sent an armed guard to the residence of the Apothecary and placed him under arrest.

On the same day (I believe) the arrest was removed by the order of the Commandant.

7. The Apothecary immediately complained to Dr. Houston as his immediate superior. Dr. Houston, as head of the Travancore Medical Department, considered that by a letter from the Dewan the Apothecary's services had been placed at his disposal, and that his subordination to the Military Department ceased on the 21st March.

8. On the 2nd April the Apothecary applied to the Sirkar for permission to criminally prosecute the Commandant, Lieutenant Wyllie, Dr. Keess and the men of the Nayar Brigade concerned in his arrest, for illegal arrest.

9. Apparently this application pends disposal.

10. Meanwhile, the Dewan having forwarded the application of the Apothecary to the Commandant for report, the Commandant considered himself insulted by the Dewan; and this misunderstanding forms the subject of a further correspondence which I regret to have to forward to Government separately.

11. It was the existence of this dispute between the Apothecary and Lieutenant Wyllie (chiefly), which led me to consider and advise that Colonel Ketchen should not go away on leave until the matter was settled.

12. Series III, accompanying Lieutenant Wyllie's complaint, contains the principal papers relating to this affair.

13. So far as the judicial aspect of the case is concerned, I conceive it hinges on the question as to whether the retransfer of the Apothecary from the Military Department to the Civil Medical Department was complete; and I presume that if the case comes to trial, the judicial officer before whom it comes will have to decide this. The Dewan and the Commandant of the Nayar Brigade have a difference of opinion on the subject. *Vide* para. 13 of the Commandant's letter to the Dewan at page 91 of Series III.

14. Having thus explained how it happens that Lieutenant Wyllie considers himself aggrieved by my action, I will proceed to notice the definite charges he makes against me, which, as far as I understand, may be summed up as follows:—

15. (*1st*)—That I dealt unfairly with him in my report to Government on the subject of his press-writings.

(*2nd*)—That I instigated the Sirkar to suppress a class established by the officers of the Nayar Brigade for the training of the women and children of the Nayar Brigade as midwives and nurses.

(*3rd*)—That I unfairly objected to his temporary accession to the acting command of the Brigade.

16. The 1st charge is dealt with in para. 3 of Lieutenant Wyllie's letter, where he alleges that I made *ex parte* charges against him, and charges me with making an insinuation that he had been guilty of evading responsibility and of suppressing a letter which would have shown how unfounded this imputation was.

17. The letter to which Lieutenant Wyllie refers as having been suppressed by me is given in part by him in Series V, letter D, page 146.

18. I suppose the imputation alluded to by Lieutenant Wyllie is contained in that part of the memorandum forwarded by me to Government with my demi-official of 17th December 1886. (*Vide* K, page 159 of Series V).

The portion alluded to is as follows:—

"In para. 13 of his letter Dr. Houston says that Surgeon Keess is doing all he can to bring all the discredit he can on the local Medical Service." "In this he seems to have Mr. Wyllie's warm support.

"In regard to this Lieutenant Wyllie states that no definite charges are made against him, and confines himself to rebutting certain statements made by Dr. Houston on his relations with the medical students. Lieutenant Wyllie says that the 'warm support' of Surgeon Keess alleged by Dr. Houston is not a definite charge based on facts.

"This is an easy way of gliding out of a difficulty."

My memorandum goes on to show that there were grounds for believing that Dr. Keess had Lieutenant Wyllie's warm support.

19. I am unable to trace any connection between Colonel Ketchen's letter and this statement. I have no reason for supposing, nor had I any intention of insinuating, that Lieutenant Wyllie desired to evade responsibility.

20. Going on to para. 5 of Lieutenant Wyllie's letter, I would remark that whatever views I may have expressed to Lieutenant Wyllie in private conversation, he was not at liberty to make use of my private expressions or to publish my private opinions, and, in justice to him, I may mention that I am not aware of his having done so until now.

21. If I remember aright, the only conversation I had with Lieutenant Wyllie on the subject was on one occasion, when I asked him to endeavour to prevent Dr. Keess from writing vulgar and scurrilous letters to the newspapers; and I also suggested to Lieutenant Wyllie that *he* should not write such violent articles in regard to Travancore Administration, as his doing so could only embarrass the Sirkar Government. I may perhaps mention that I asked Lieutenant Wyllie at the time to consider our conversation as entirely confidential.

22. In dealing with Lieutenant Wyllie's connection with the press, I have never considered the question of whether he could or could not prove his allegations; the sole question to my mind being, whether in his position he was justified in publishing his writings at all, and in severely criticising in the public newspapers the institutions and policy of the Government he was serving, and the conduct of departments with which, as a military officer, he had nothing to do.

23. In regard to my interference with the establishment of a girls' class, &c., at the military hospital, regarding which Lieutenant Wyllie complains, I enclose the whole correspondence (to be returned), but as it is somewhat voluminous I may briefly sum up the matter as follows.

24. Reports reached me that the Nayar Brigade military hospital was being utilised by Lieutenant Wyllie and Surgeon Keess as a Lying-in hospital and as a class room for instructing young girls in midwifery, surgery, &c.

25. Having ascertained that His Highness the Maharaja had not sanctioned this, and did not approve of such an unusual use being made of the military hospital, I reported the matter demi-officially to the Dewan (*vide* first letter of the correspondence enclosed), and he made an inquiry into the subject and finally put a stop to it.

26. I had absolutely nothing further to do with the matter until it had been finally settled, when the papers were placed in my hands by the Dewan, together with Lieutenant Wyllie's final "private" letter to him, which letter I may remark gave considerable offence both to the Dewan and to His Highness the Maharaja, as they did not like Lieutenant Wyllie's threat to report the matter to the Countess of Dufferin's fund.

27. With reference to the "social pressure" alluded to by Lieutenant Wyllie and Mrs. Elliot (S & T Series IV, pages 136—138), I know nothing whatever.

28. I consider that it was an exceedingly injudicious step for a young officer to take, when in temporary command of the Brigade, without consulting the Government or his superior officer, to permit the military hospital to be used as a women's hospital, and to authorise and take an active part in the medical instruction of young girls ranging from about 7 to 15 years of age, and this without even the supervision of any experienced matron.

29. Taking into consideration therefore Lieutenant Wyllie's conduct in regard to his newspaper contributions, his apparently hostile attitude in regard to the Sirkar, and his indiscreet action in regard to the female medical class, and the fact that a rather serious charge of illegal arrest was pending against him, I consider that I was fully justified in advising the Sirkar not to grant leave of absence to Colonel Ketchen until at least the pending charge had been disposed of.

30. In regard to the matters referred to in Series I and Series II, I am quite unable to see in what manner they concern Lieutenant Wyllie; and in regard to Series III, I do not know what it is Lieutenant Wyllie wishes to be done.

31. I would call attention to the peculiar form in which the various series of letters are abstracted, being more in the form of a critique than an abstract.

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Pirmed, 13th May 1887, No. 79.

The Dewan of Travancore having sought my interference in regard to a difference between himself and Lieut.-Colonel Ketchen, Commanding the Nayar Brigade, I have the honor to forward the papers noted in the margin for the orders of Government.

2. If Government consider that I, as political officer, am competent to deal with the matter directly, I am perfectly prepared to do so; but considering the somewhat hostile attitude assumed towards me by the officers of the Brigade at the present moment, I am unwilling to risk an increase of complications by asserting an authority which might be questioned.

3. Although I forward copies of the whole of the papers, I shall allude to those only which have a bearing on the point at issue between the Dewan and the Commandant.

4. An Assistant Apothecary of the Travancore Medical Department was placed under arrest by an armed guard of the Nayar Brigade on the 29th March. He considered his arrest to be illegal, and forwarded (through the head of his department) a petition * to the Sirkar soliciting permission to prosecute the Commandant and other officers of the Nayar Brigade for "wrongful restraint."

* III/7

5. This petition was forwarded † on the 6th April by the Dewan to the Commandant for explanation to enable the Sirkar to decide whether the application should be granted.

† III/8

6. On the 14th April the Commandant replied ‡ to the Dewan's letter of the 6th April, and demanded that the Assistant Apothecary should be punished for his unparallelled and gratuitous insolence in having included the Commandant amongst the persons he desired to prosecute, and stated that the Dewan gave countenance to the insult by forwarding the Assistant Apothecary's petition. He demanded the withdrawal of the petition and of the Dewan's letter forwarding it, and threatened, in default of compliance, to lay the matter before the Madras Government.

‡ IV/1

7. On the 19th April, the Dewan replied § to this, explaining that no other course was open to him at the time to enable him to dispose of the Apothecary's application, and regretting that the Commandant should have written such a letter, and suggesting that he should withdraw the objectionable portions, namely, paras. 5 and 6.

§ IV/3

8. On the 23rd April ‖ the Commandant replied to the Dewan practically refusing to withdraw any portion of his letter.

‖ V/2

9. In his letter ¶ of the 7th May 1887, the Dewan solicits my advice and interference; and in this letter he so clearly points out the grounds on which he forwarded the Assistant Apothecary's petition to Lieut.-Colonel Ketchen, that I do not think any remarks are needed on my part, and I am unwilling to comment in any way on the case as it at present stands.

¶ V

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Pirmed, 19th May 1887, No. 85.

With reference to my letters, Nos. 78 and 79, dated 13th instant, I have the honor to forward, herewith, copy * of a letter received by me yesterday evening from the Dewan of Travancore, and the whole of the enclosures† in original.

* No. A-1, dated 16th May 1887.

† By separate banghy.

2. In the memorandum attached to these papers, the Dewan reviews at length the proceedings in regard to the arrest of Apothecary Vieyra, and he solicits my advice as to how he should proceed.

3. It is evident that the Dewan wishes to be advised as to whether the Sirkar should sanction the prosecution of Lieutenant Wyllie, Dr. Keess, and others of the Nayar Brigade concerned in the arrest.

4. He finds that the arrest was illegal, and was not made in good faith, and that Lieutenant Wyllie did not act prudently or discreetly in ordering the arrest.

5. As Lieutenant Wyllie has addressed Government on this, amongst other subjects, and the papers are already before Government, I have considered it advisable to forward these further papers, in order that Government may be able to decide upon all the cases at one and the same time.

Telegram from Resident in Travancore and Cochin, Trivandrum, to Chief Secretary to Government, Ootacamund, dated 27th May 1887.

Another complaint from Surgeon Keess was forwarded yesterday. Perhaps it might save trouble to await receipt and deal with all matters together.

Telegram from Resident in Travancore and Cochin, Trivandrum, to Chief Secretary to Government, Ootacamund, dated 27th May 1887.

With reference to my No. 79 of 13th, Colonel Ketchen requests Government defer consideration until his statement is before them.

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trivandrum, 26th May 1887, No. 88.

I have the honor, by request of Surgeon Keess (transmitted to me through the Commandant of the Nayar Brigade), to forward the papers noted in the margin for the orders of Government.

Copy of letter from Lieut.-Colonel Ketchen, Commanding the Nayar Brigade, with original enclosures and Appendices A, B, C, D.

2. Surgeon Keess appeals against the action of the Sirkar towards him in regard to his conduct towards the Travancore Medical Department and other matters, and animadverts on my interference in the matter.

3. I do not see that I am called on to justify any action I have taken in the affairs alluded to.

4. My memorandum on the subject of the chief part of the correspondence is already before Government, and is given by Surgeon Keess *in extenso* in Appendix C attached to his letters, with marginal remarks upon various portions of the memorandum.

5. In regard to para. 34, I would state that I am entirely ignorant as to Surgeon Keess having been officially or otherwise authorised to write to the papers as he alleges.

6. With reference to the extraordinary reason given by Surgeon Keess a para. 37 for not appealing to the British Representative, it is, I fancy, hardl necessary for me to state what is the fact, viz., that the information which Surgeo Keess states has been given to him from the "best official sources" is totall untrue.

7. The docket attached to Appendix B requires attention, charging as i does the Travancore Sirkar with "extorting" an explanation and making a "fals statement."

8. The "false statement" is in letter I (Appendix B), in which the lat Dewan informs the Commandant that Surgeon Keess' case is not before the Madra Government. Surgeon Keess' case was not laid by me before the Madras Govern ment save for information. I dealt with it myself in my memorandum, which wa forwarded to the Chief Secretary with my demi-official of 17th December 1886 and I expressly said so in that demi-official.

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, t the Chief Secretary to Government, dated Trivandrum, 30th May 1887 No. 91.

By request of Lieut.-Colonel Ketchen, Commanding the Nayar Brigade, I hav the honor to forward a letter from Lieutenant Wyllie, requesting that he may b defended by the Government Pleader in civil suit No. 99 of 1062 on the file o the Zillah Court of Trivandrum, together with the enclosures to that letter.

2. Lieutenant Wyllie also requests that his co-defendants in the same suit ma be similarly defended.

3. I also enclose copy of Lieut.-Colonel Ketchen's letter to me.

4. I must call the attention of Government to the line of action adopted b the Commanding Officer and Lieutenant Wyllie, as displayed by the enclosures t Lieutenant Wyllie's letter.

5. The Civil Courts of Travancore are, of course, in no way guided by th British Indian Law, as is assumed by the officers concerned, and whatever may b their opinion, they were, I consider, bound to accept the service of the Court's sum mons, however much they might wish to argue against its jurisdiction at th hearing.

6. With regard to the statement of Lieut.-Colonel Ketchen in respect t Surgeon Keess contained in para. 4 of his letter, No. 149 of the 18th May, to th First Judge, Trivandrum Zillah Court, I would refer Government to G.O., 25th Jun 1885, Mis. No. 427.

7. In my reply to Lieut.-Colonel Ketchen, I have stated that, in my opinion, h is entirely in error in regard to the jurisdiction of the Civil Courts of Travancor in respect to British officers in the service of the State.

8. I enclose a copy of the Travancore Civil Procedure Code (to be returned) the procedure in regard to Government servants, *officers* and soldiers being containe in Section 58.

From the Resident in Travancore and Cochin, dated Trivandrum, 3rd Jun 1887, No. 96.

ABSTRACT.—Forwarding a letter from Lieutenant Wyllie to Officer Commanding Nay Brigade, with its enclosure commenting on Resident's letter to Government, No. 78, dated 13t May 1887.

From the Resident in Travancore and Cochin, dated Trivandrum, 3rd June 1887, No. 97.

ABSTRACT.—Forwarding a letter from the Dewan of Travancore regarding the attitude assumed by the Nayar Brigade officers for orders of Government.

Telegram from Chief Secretary to Government, Ootacamund, to Resident in Travancore and Cochin, Trivandrum, dated 3rd June 1887.

Wyllie's services replaced at disposal of Military Department. Ketchen's communication awaited.

From J. C. HANNYNGTON, Esq., Resident in Travancore and Cochin, to the Chief Secretary to Government, Fort St. George, dated Trivandrum, 7th June 1887, No. 100.

With reference to my telegram of the 27th May and my letter No. 79 of the 13th May 1887, I have the honor to forward copy of a letter, No. 177, dated 6th June, addressed to me by the Officer Commanding the Nayar Brigade, and copies of such letters referred to in the margin of that letter as are not before Government with my No. 79 of 13th May, namely, copies of (*j*), (*k*), (*m*) and (*n*).

2. I presume that this letter is intended to be the complaint referred to in the Commandant's letter to the Dewan, No. 106 of 14th April 1887, and in his No. 164 of 27th May (*j*) addressed to the Resident; it is, at any rate, a reply to the Dewan's letter forwarded with my letter of 13th May, No. 79.

3. The entire papers are before Government, who can judge for themselves whether I have, in the slightest degree, misstated the case in representing in para. 8 of my letter forwarding the Dewan's memorandum, that in his letter of the 23rd April, No. 118, the Commandant virtually refused to withdraw any portion of his letter.

4. The Dewan had distinctly referred to paras. 5 and 6 of the Commandant's No. 106 of 14th April as being objectionable, and requested that they should be withdrawn, and the Commandant refused to withdraw them, asking, at the same time, that the objectionable part of his letter should be pointed out, and that he would then be happy to reconsider it.

5. If there is to be any finality to a correspondence, I think I have fairly described this as a virtual refusal.

6. In his remarks on this subject the Commandant has accidentally referred to my letter as No. 85; it is clear, however, that he means No. 79.

7. I am glad to see that the Commandant assures Government that he has not acted in any way hostile towards Mr. Hannyngton. I had inferred a certain amount of official hostility from correspondence which is before Government.

From the Resident in Travancore and Cochin, dated Trivandrum, 9th June 1887, No. 105.

ABSTRACT.—Forwarding letters, with enclosures, from Colonel Ketchen and Lieutenant Wyllie relating to the case of assault on the sepoy of the Nayar Brigade.

From the Resident in Travancore and Cochin, dated Trivandrum, 14th June 1887, No. 107.

ABSTRACT.—Forwarding correspondence from Colonel Ketchen and Surgeon Keess regarding criminal prosecution.

Order—dated 24th June 1887, No. 482, Political.

The voluminous correspondence read above relates to certain regrettable occurrences in Travancore, which have arisen out of the action of the officers of the Nayar Brigade,—Lieut.-Colonel Ketchen, Commandant; Lieutenant Wyllie, Commanding 1st Battalion; Surgeon Keess, Medical Officer,—and which have, as complained by the Dewan, so strained the relations between them and the Government of Travancore as to render it difficult to secure harmonious working.

2. The matters to be now dealt with by Government group themselves under three principal heads:

(1) the action of the Resident in advising the Sirkar to refuse leave to Colonel Ketchen, upon which Lieutenant Wyllie would necessarily have succeeded to the command of the Brigade, and the circumstances which led to such advice;

(2) the arrest of Apothecary Vieyra under the orders of Lieutenant Wyllie, and the questions thence arising;

(3) the case of assault on a sentry of the Brigade, and the action of the officers in connection therewith.

3. The action of the Resident, which is complained of by Lieutenant Wyllie, was taken on first hearing of the arrest of the Apothecary, but had reference not only to that circumstance but to what had gone before. It is not necessary that Government should go minutely into these previous occurrences, but they must be briefly referred to, as showing the growth of the antagonism between Lieutenant Wyllie and Surgeon Keess on the one hand, and the Travancore Medical Department on the other,—an antagonism, which seems to furnish the key to the action of these officers in the arrest case, whereby matters have been brought to a crisis.

4. In December 1886, the Resident brought to the notice of Government a series of articles, &c., in various newspapers containing violent attacks on the Travancore Medical Department and upon individual members of it, some of which were admittedly written by Lieutenant Wyllie and some (the more vulgar and insulting) by Surgeon Keess. The Government left it to the Sirkar to deal with the latter officer, who is not in the British service; and as regards Lieutenant Wyllie they directed the Resident to inform him that he had, in their opinion, transgressed the limits laid down in standing orders for regulating the connection of Government officers with the Press, and to warn him that a repetition of his offence would entail his removal from Travancore. The papers now under disposal contain remarks by Lieutenant Wyllie on this matter; but the Government see no reason to alter the opinion at which they previously arrived. Lieutenant Wyllie was judged by his own article and that alone, and whether or not its indictment of the Travancore Medical Department was true, its impropriety is beyond question. As to Surgeon Keess, it appears that he was required by the Sirkar in January last to apologise to the officers of the Medical Department for the aspersions cast upon it, and having done so, though incompletely, he aggravated his offence before the matter was disposed of by the Travancore Government by publicly insulting and using grossly indecent language to an Apothecary in presence of the class of students whom the Apothecary was teaching in the Medical School. For this, he was forced by the Sirkar to make a complete apology to the Apothecary, and was dismissed from his lecturership in the Medical School.

5. Further, it appears that Lieutenant Wyllie, while in temporary command of the Brigade, authorised the use of the military hospital for purposes for which it was not intended, and, in conjunction with Surgeon Keess, opened a clinical class there, as well as one for the instruction of female students under what the Sirkar considered inadequate supervision. The Resident having called attention to the matter, the Sirkar forbade the continuance of the classes and restricted the hospital to military uses. This the Sirkar had, of course, complete right to do; and these occurrences are alluded to only as illustrating the attitude of the officers, and because some indiscreet and intemperate letters, to which exception has justly been taken, were written by Lieutenant Wyllie regarding them. The proceedings of his

subordinate officers throughout this affair seem to have been approved by the Commandant, Lieut.-Colonel Ketchen.

6. Considering all that had gone before, the Governor in Council is satisfied that the Resident did no more than his duty when he advised the Sirkar that the grant of leave to Colonel Ketchen, involving the assumption of command by Lieutenant Wyllie, should be deferred, until the questions arising out of the arrest case had been investigated.

7. The Government now come to the arrest case itself. A Civil Apothecary named Vieyra, who had been sent to the Cardamom Hills in medical charge of a detachment of the Nayar Brigade, returned on the 21st March 1887 and handed over charge of the detachment on the following day. On the 23rd Surgeon Keess reported this to the Commandant, who, on the 24th, reported to the Dewan. On the 28th the Dewan communicated the fact to the Durbar Physician, who thereupon detailed Vieyra for civil work. On the morning of the 29th, the Apothecary was arrested by an armed guard under the direction of Lieutenant Wyllie, and orders were issued to him to attend at orderly room next morning to answer a charge of disobedience of orders in failing to attend Surgeon Keess to give some information regarding the detachment,—a requisition which the Apothecary avers did not reach him until the moment of the arrest. On the matter coming to Colonel Ketchen's knowledge in the course of the day, he very properly directed the removal of the arrest, and subsequently he cancelled Lieutenant Wyllie's orders to the Apothecary to attend next day for inquiry. Meanwhile, the Apothecary had petitioned the Dewan, through the Durbar Physician, for redress and for permission to prosecute criminally the officers of the Brigade, and the men who carried out the arrest for wrongful restraint. The Dewan forwarded these papers to the Commandant for report, and that officer, in the correspondence which ensued, not only justified Lieutenant Wyllie's action as legal under military law, but in his letter, dated 14th April 1887, No. 106, demanded the punishment of the Apothecary for insolence towards himself in seeking sanction to prosecute him, charged the Dewan with countenancing the insult offered, and required the withdrawal of the letter of reference and the petition. Finding that the arrest had been made without Colonel Ketchen's knowledge, the Dewan at once dismissed the Apothecary's application so far as that officer was concerned, but in respect of Colonel Ketchen's intemperate letter he found it necessary to invoke the interference of the Resident.* At the same time in a separate communication he applied to the Resident for advice as to allowing the prosecution of the other officers and men,† summing up the whole case in an able and exhaustive memorandum. From the last of the letters above read, the Government learn that the Government of Travancore have since refused to sanction any criminal prosecution in the case.

* Resident's letter, 13th May 1887, No. 79.

† Enclosure to Resident's letter, 19th May 1887, No. 85.

8. A civil suit has, however, been filed against Lieutenant Wyllie and Surgeon Keess, and the former officer has applied to Government to sanction his being defended by the Government Pleader. In connection with this suit, the Commandant of the Brigade refused to serve the summonses sent by the Zillah Judge for service on Lieutenant Wyllie and Dr. Keess, resting his action on arguments derived from the British Code of Civil Procedure of 1882, which, of course, has no application in Travancore.

9. The Government will not discuss the questions, which are still *sub judice*, whether Vieyra was subject to military law, and whether his arrest by Lieutenant Wyllie's orders was legally justifiable or not. A sufficient opinion for the present purpose can be formed with regard to Mr. Wyllie's conduct without entering upon these points, and it may even be assumed that he was, and believed himself to be, within his rights and legal powers. Making then considerable concessions, the Government still find his action worthy of severe censure. Though the formal retransfer of the Apothecary's services to the Civil Department had not been communicated to the Brigade officers on the 29th March,—such formalities

apparently are not customary in Travancore,—Lieutenant Wyllie must have known that it had, in all probability, been ordered. Yet at the instance of Surgeon Keess, and knowing the strained relations between that officer as well as himself and the Medical Department, being further fully cognisant of the Durbar Surgeon's contention that in no case would his subordinates be liable to military arrest, he took the extreme step of ordering the arrest,—a step which is admissible only in the case of an undoubted military subordinate, in circumstances of absolute necessity, and subject to the obligation of immediately reporting it to the Commandant. Here there was no emergency; the Commandant lived close by, and might easily have been consulted. In his last letter, Lieutenant Wyllie says that he intended only to place the Apothecary in open arrest, and that the employment of the armed guard was a mistake. This, however, makes but little difference. It seems clear that he was determined to assert his authority against the Travancore Medical Department, and that he has shown such grave indiscretion in the whole matter that it is impossible to retain him in political employment. Having come to this conclusion, His Excellency the Governor in Council replaced his services at the disposal of the Military Department, but deferred full orders until the correspondence was complete. It appears that, on the fact of the orders for Lieutenant Wyllie's removal being communicated to the Government of His Highness the Maharaja, it has been decided not to allow a criminal prosecution; and this decision, in the opinion of His Excellency in Council, was prudent and well advised. Lieutenant Wyllie has also been informed that the Government decline to assist him in defending the civil action. Such assistance, when it is afforded, is only given in the case of officers who appear to be *primâ facie* without blame. His Excellency in Council does not consider that there is any foundation for the suggestion that Lieutenant Wyllie is exempt from the jurisdiction of the Travancore Courts; but it is, of course, open to him to plead such exemption if so advised. However, as Mr. Wyllie has been removed, it is worthy of the Dewan's consideration whether steps might not be taken to cause the withdrawal of the action.

10. Colonel Ketchen's conduct in regard to this case seems to Government in the highest degree reprehensible. It is true that he cancelled Lieutenant Wyllie's proceedings as soon as they came to his notice, but his reception of the Dewan's very proper action in referring the petitions to him for report was most unreasonable, and such as Government would not have believed possible in an officer of his experience. His letter to the Dewan, dated 14th April, above cited,—especially paras. 5 and 6 thereof, of which the Dewan complained,—was most improper and offensive; and those paragraphs must be at once withdrawn. He also acted most improperly in declining to serve the summonses of the Civil Court, even if he had been right in his point of law. The law, though it requires that processes for soldiers shall be sent through the Commanding Officer, does not give the latter any discretion whether he will serve them or not; and in refusing to do so, Colonel Ketchen took upon himself serious responsibility, and exposed himself to punishment for contempt of Court. British officers in Native States should studiously show the utmost respect for the judicial authorities. It is strange that after eight years in Travancore Colonel Ketchen should have adopted a line of conduct which would hardly have been excusable in a newly-arrived subaltern. He entirely mistakes his position as an officer serving in the Travancore State, and appears to have been drawn into extravagances which his calmer judgment must condemn, by the desire to support the officers under his immediate command.

11. His Excellency the Governor in Council has been obliged to seriously consider the expediency of removing Colonel Ketchen also from the Travancore State; but from his more recent letters it appears that he is conscious he has gone too far, and is ready to apologise for the objectionable letter which escaped him in the heat of the moment. He has in the past done good service to the State and shown himself suited for the post he holds, and the Governor in Council is willing to condone what has now happened if he will withdraw the expressions and letters to which exception has been taken, and apologise to the Maharaja and his Government for his conduct in this case.

12. As to the conduct of Surgeon Keess, the Government need not discuss it in detail, as they have not authority over him. They have no doubt the Maharaja's Government will deal with him in a fitting manner; and should that Government see fit to dismiss him from their service, the penalty would not be more than by his ungentlemanlike and insubordinate conduct and by his intemperate and insulting language he has fully deserved.

13. The case which remains to be noticed is of minor importance. A sepoy of the Nayar Brigade on sentry duty at the palace stopped a Brahman priest who was passing out with some food, and was, it is alleged, assaulted by the priest, whereupon a charge was brought. After protracted delays, the case was brought to trial in the Court of a Magistrate at some distance from Trivandrum, and the Brahman priest was acquitted. Lieutenant Wyllie, in a demi-official letter to the late Dewan, then requested that an appeal might be preferred against the acquittal, and Colonel Ketchen subsequently, when submitting for sanction a bill of costs for the employment of a vakil on behalf of the sepoy and other expenses, backed up this request. The Dewan, however, after consulting the Sirkar vakil, who advised that the decision was not against the evidence, and that appeal should not be preferred, refused to sanction the appeal or to pass the charges for which Colonel Ketchen had sent a bill. After some correspondence in which the Brigade officers made some strong reflections on the action of the Courts in Travancore, the Dewan referred the matter to the Resident, taking exception to Lieutenant Wyllie's having addressed the late Dewan direct and by demi-official letter, to his having attended the Court daily, and generally to the attitude of the officers of the Brigade in the matter.

14. The papers submitted with the Resident's letter, No. 105, dated 9th June 1887, show however that the proceedings were initiated with the sanction of His Highness the Maharaja, and that the demi-official letter to the late Dewan to which objection is taken was in reply to a similar one from him, and therefore justifiable. The Government can see no harm in Lieutenant Wyllie's having interested himself in the case to which one of the men under his command was a party, or in his having attended the Court from day to day to watch the case. Nor can His Excellency in Council blame Colonel Ketchen for making a strong remonstrance if, as seems clearly to have been the case, he was persuaded that injustice had been done. He should, however, have acquiesced when he found that the State vakil, as well as the Magistrate, was against him, and with his experience he should have been more careful to avoid wounding the susceptibilities of a dependent State. His arguments based on British law or procedure are again, of course, inapplicable. The Government do not desire to interfere as regards any final orders which the Sirkar may see fit to pass as to the costs incurred.

15. In conclusion, His Excellency the Governor in Council desires to express the hope that he will hear no more of unseemly contentions between the officers of the Brigade appointed by this Government and the Travancore Administration; and that these officers will, in future, remember the respect which they owe to the Government in whose service for the time being they are. Colonel Ketchen must understand that any future transgression on his part will entail his removal from Travancore. His Excellency in Council also desires to put on record his appreciation of the courtesy and self-restraint shown by the Dewan throughout the proceedings.

16. The Resident will communicate this order to the Government of His Highness the Maharaja.

(True Extract.)

H. E. STOKES,
Acting Chief Secretary.

To the Resident in Travancore and Cochin,
with five original enclosures to Colonel Ketchen's letter, dated 8th June 1887, to be returned to that officer.
To the Military Department.

Exd F. R. Bantleman.

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POLITICAL.

CONFIDENTIAL.

Issued

Recd. *En*

G.O., 24th June 1887, No. 4

JUNE.

Nayar Brigade.

Passing orders on correspondence rel certain occurrences in Travancore, wh arisen out of the action of the officers of

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